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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/806,939
Filing Date: May 08, 2001
Appellant(s): HAUMONT, SERGE

Nokia Networks OY
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/24/2007 appealing from the Office action mailed 1/12/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

1.) Tiedemann et al (U.S. Patent Number 6,381,454 B1)

2.) Sawyer et al (U.S. Patent Number 5,920,814)

3.) Onoe et al (U.S. Patent Number 5,361,396 B1)

4.) Monrad et al. (U.S. Patent Number 6,208,628 B1)

5.) Huttunen et al. (U.S. Patent Number 6,356,761 B1)

6.) Mademann (U.S. Patent Number 6,081,723)

7.) Wallentin et al (U.S. Publication Number 2002/0086685 A1)

(9) Grounds of Rejection

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 20, 22, 25-26 and 28*** are rejected under 35 U.S.C. 102(e) as being anticipated by Tiedemann et al (U.S. Patent Number 6,381,454 B1).

Regarding ***claim 20***, Tiedemann et al discloses in column 2 lines 29-37, of a method, a network element, a communication network, and a mobile station, which reads on claimed "cellular network, allocating a temporary identity to at least one mobile station in a communication network, which reads on claimed "cellular network", wherein a Mobile Switching Center (MSC, 10), which reads on claimed "network element", having an identifier of its own to allocate a Temporary Reference Number (TRN) to the at least one mobile station wherein the said TRN includes at least part of an identifier indicating the said MSC (10) and

a HLR, which reads on claimed "database element," configured to:

- receive an inquiry including the at least part of the identifier of the said Mobile Switching Center (MSC, 10) that allocates the temporary ID and information relating to a location where he said temporary ID was allocated, and determining the address of the said MSC which allocated the temporary ID. See column 2 lines 56-67 and column 8 lines 11-21.

Regarding ***claim 22***, according to ***claim 20***, Tiedemann et al further discloses wherein the said HLR further send an inquiry to a customer service center CSC currently storing the context of the said mobile station in question. See column 5 lines 17-53.

Regarding ***claim 25***, Tiedemann et al discloses in column 2 lines 29-37, of a method, a network element, a communication network, and a mobile station, which reads on claimed "cellular network, allocating a temporary identity to at least one mobile station in a communication network, which reads on claimed "cellular network", wherein a Mobile Switching Center (MSC, 10), which reads on claimed "network element", having an identifier of its own to allocate a Temporary Reference Number (TRN) to the at least one mobile station wherein the said TRN includes at least part of an identifier indicating the said MSC (10) and wherein the said mobile station is configured to use part of the identifier for data transfer and for signaling. See column 6 lines 29-50;

Regarding ***claims 26 and 28***, Tiedemann et al discloses in column 2 lines 29-37, of a method, a network element, a communication network, and a mobile station, which reads on claimed "cellular network, allocating a temporary identity to at least one mobile station in a communication network, which reads on claimed "cellular network", wherein a Mobile Switching Center (MSC, 10), which reads on claimed "network element", having an identifier of its own to allocate a Temporary Reference Number (TRN) to the at least one mobile station wherein the said TRN includes at least part of an identifier indicating the said MSC (10) and wherein the said temporary identity includes 3 to 5 bits of the identifier of a network element. See column 2 lines 27-37.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. ***Claims 3 and 7*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann et al (U.S. Patent Number 6,381,454 B1) in view of Sawyer et al (U.S. Patent Number 5,920,814) in further view of Onoe et al (U.S. Patent Number 5,361,396 B1) and in further view of Monrad et al. (U.S. Patent Number 6,208,628 B1).

Regarding ***claim 7***, Tiedemann et al discloses in column 2 lines 29-37, of a method, a network element, a communication network, and a mobile station, which reads on claimed "cellular network, allocating a temporary identity to at least one mobile station in a communication network, which reads on claimed "cellular network", the method comprising:

- using a Mobile Switching Center (MSC, 10), which reads on claimed "network element", having an identifier of its own to allocate a Temporary Reference Number (TRN) to the at least one mobile station wherein the said TRN includes at least part of an identifier indicating the said MSC (10);

However, Tiedemann et al does not disclose where the said TRN includes a paging identity which is unique to each of the at least on mobile station.

Sawery et al discloses in column 5 lines 40-65, of a TMSI Allocation Unit (TAU, 23) used to allocate unique TMSI's to each mobile station which also identifies the

servicing area of the MSC, which reads on claimed "paging area", as taught in column 2 lines 50-65.

Therefore at the time of the invention one of ordinary skill in the art would modify the teaching of Tiedemann et al (U.S. Patent Number 6,381,454 B1) to include Sawyer et al (U.S. Patent Number 5,920,814) in order to provide a method that assigns unique temporary identities that also includes the area identity for optimizing the identity of a mobile station within a service area.

However, the combination of Tiedemann et al (U.S. Patent Number 6,381,454 B1) and Sawyer et al (U.S. Patent Number 5,920,814) fails to clearly disclose teach wherein each of the plurality of paging area includes an associated master network element for allocating a paging identity to each of the at least one mobile stations in the paging area.

Onoe et al discloses in columns 5 and 7 lines 30-43 lines 39-58 respectively, wherein the requesting a location code, which reads on claimed "paging identity" is carried out by accessing the control center (101), which reads on claimed "master network element" in order to obtain an identification number for the mobile station within a respected location registration area.

Onoe et al further teaches wherein each of the said registration areas is coupled to a plurality of mobile control center and/or base stations, and wherein the method further comprises using the said identification number for routing uplink traffic to the said mobile control center and/or base station currently serving the said mobile station. See columns 3, 4 and 6 lines 17-29 lines 11-30 lines 41-66, respectively.

Onoe et al again further teaches where when a said mobile station moves beyond the border of a location registration area, which reads on claimed "first paging area" of a plurality of paging areas to another location, the said mobile control center and/or base station of the second paging area using the said identification number and the said location code of the second paging area. See column 5 lines 11-43.

Onon et al teaches in column 5 lines 30-43 wherein the said location code, which reads on claimed "paging identity," is used for paging he said mobile station.

Therefore at the time of the invention one of ordinary skill in the art would modify the combined teachings of Tiedemann et al (U.S. Patent Number 6,381,454 B1) and Sawyer et al (U.S. Patent Number 5,920,814) to further include Onoe et al (U.S. Patent Number 5,361,396 B1) in order to mandate the functionality of assigning a said identification of a mobile station in the said control center to facilitate the proper paging of a respected mobile subscriber.

However, the combination of Tiedemann et al (U.S. Patent Number 6,381,454 B1) and Sawyer et al (U.S. Patent Number 5,920,814) and Onoe et al (U.S. Patent Number 5,361,396 B1) to further teach of the limitation wherein the method further comprises using the said temporary identity for signaling purposes.

Monrad et al teaches column 1 lines 45-50, wherein the said TLLI is used as an identifier on the radio interface for initial signaling procedures.

Therefore at the time of the invention one of ordinary skill in the art would modify the combined teachings of Tiedemann et al (U.S. Patent Number 6,381,454 B1), Sawyer et al (U.S. Patent Number 5,920,814) and Onoe et al (U.S. Patent Number

5,361,396 B1) to further include Monrad et al. (U.S. Patent Number 6,208,628 B1) in order to specifically utilize the said temporary identification for signaling purposes in the process of paging a mobile subscriber.

Regarding ***claim 3***, as the combination of Tiedemann et al (U.S. Patent Number 6,381,454 B1) and Sawyer et al (U.S. Patent Number 5,920,814) are made, the combination according to ***claim 2***, Sawyer discloses further where the uniquely identification of the said mobile station based on the identifier of the said mobile station and the said identification of the service area, which reads on claimed "paging area", where the said TMSID was allocated. See column 2 lines 50-65.

3. ***Claim 21*** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann et al (U.S. Patent Number 6,381,454 B1) in view of Huttunen et al. (U.S. Patent Number 6,356,761 B1).

Regarding ***claim 21***, according to ***claim 20***, Tiedemann et al discloses in column 2 lines 29-37, of a method, a network element, a communication network, and a mobile station, which reads on claimed "cellular network, allocating a temporary identity to at least one mobile station in a communication network, which reads on claimed "cellular network", wherein a Mobile Switching Center (MSC, 10), which reads on claimed "network element", having an identifier of its own to allocate a Temporary Reference Number

(TRN) to the at least one mobile station wherein the said TRN includes at least part of an identifier indicating the said MSC (10) and

a HLR, which reads on claimed "database element," configured to:

- receive an inquiry including the at least part of the identifier of the said Mobile Switching Center (MSC, 10) that allocates the temporary ID and information relating to a location where he said temporary ID was allocated, and determining the address of the said MSC which allocated the temporary ID. See column 2 lines 56-67 and column 8 lines 11-21.

However, Tiedemann et al. fails to disclose wherein the said database element is a domain name server.

Huttunen et al. discloses in column 7 lines 27-33, wherein a database element is a DNS.

Therefore, at the time of the invention one of ordinary skill in the art would modify the teaching of Tiedemann et al (U.S. Patent Number 6,381,454 B1) to include in view of Huttunen et al. (U.S. Patent Number 6,356,761 B1) in order for the system to be compatible with the IP network in regards to identifying respected subscribers.

4. ***Claim 27*** is rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann et al (U.S. Patent Number 6,381,454 B1) in view of Mademann (U.S. Patent Number 6,081,723).

Regarding ***claim 27***, according to ***claim 28***, Tiedemann et al discloses in column 2 lines 29-37, of a method and a network element, allocating a temporary identity to at least one mobile station in a communication network, which reads on claimed "cellular network", the method comprising:

- using a Mobile Switching Center (MSC, 10), which reads on claimed "network element", having an identifier of its own to allocate a Temporary Reference Number (TRN) to the at least one mobile station wherein the said TRN includes at least part of an identifier indicating the said MSC (10).

However, Tiedemann et al does not disclose where the said network element is a support node.

Mademann teaches in column 1 lines where the packet data service nodes are GPRS support nodes.

Therefore, at the time of the invention one of ordinary skill in the art would modify the teaching of Tiedemann et al (U.S. Patent Number 6,381,454 B1) to include Mademann (U.S. Patent Number 6,081,723) in order to transmit data packets between mobile stations in a General Packet Radio Service.

5. ***Claims 29-31*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallentin et al (U.S. Publication Number 2002/0086685 A1) in view of Tiedemann et al (U.S. Patent Number 6,381,454 B1).

Regarding ***claim 31***, Wallentin et al discloses in paragraph [0052], a radio station controller for a cellular network, configured to route data packets in a General Packet Radio Service, including a Temporary Mobile Station Identification (TMSID) allocated to a mobile station, wherein the said TMSID includes at least part of an identifier indicating a Radio Network Controller (RNC), which reads on claimed "network element", which allocated the temporary identity and wherein the said RNC is configured to used at least part of the said TMSID to route data packets to the second RNC, which reads on claimed "network element", serving the mobile station. See paragraph [0051, 0063, 0077,0075].

However Wallentin et al. fails to clearly disclose wherein the said temporary identity includes 3 to 5 bits of the identifier of a network element that allocates the temporary identity.

Tiedemann et al teaches in column 2 lines 27-37 wherein temporary identity includes 3 to 5 bits of the identifier of a network element that allocates the temporary identity.

Therefore, at the time of the invention one of ordinary skill in the art would modify the teaching of Wallentin et al (U.S. Publication Number 2002/0086685 A1) in view of Tiedemann et al (U.S. Patent Number 6,381,454 B1) in order for the system to reserve bit space for the allocation of the said network element's identification for the process of paging and routing information.

Regarding ***claims 29 and 30***, as the combination of Wallentin et al (U.S. Publication Number 2002/0086685 A1) and Tiedemann et al (U.S. Patent Number 6,381,454 B1) are made, the combination according to ***claim 31***, Wallentin et al further discloses in paragraph [0005], where the radio station controller, which reads on claimed "radio station controller", is a base station controller.

(10) Response to Argument

Regarding the alleged unpatentability over the cited prior arts of.) Tiedemann et al (U.S. Patent Number 6,381,454 B1), Sawyer et al (U.S. Patent Number 5,920,814), Onoe et al (U.S. Patent Number 5,361,396 B1), Monrad et al. (U.S. Patent Number 6,208,628 B1), Huttunen et al. (U.S. Patent Number 6,356,761 B1), Mademann (U.S. Patent Number 6,081,723) and Wallentin et al (U.S. Publication Number 2002/0086685 A1) the Examiner will detail the position in which examination of the cited claims were made.

A.) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the combination,

of the cited references, where applicable, does indeed suggest all of the features recited in the rejected claims.

B.) The Applicant identifies on page 12 of the filed Appeal Brief wherein the cited prior art fails to disclose, teach or suggest any mobile station temporary identity including at least a part of an identifier indicating a network element which allocated the temporary identity which is recited in ***claims 7, 20, 25, 26, 28 and 31***. The Examiner respectfully maintains that the stated TRN is allocated identifying the said MSC and the MS of which it is being allocated to. Secondly, the TRN is a unique number associated to a particular MS. See Tiedemann et al. column 2 lines 30-32. Tiedemann et al. teaching of the said TRN is indeed using the identifier in a duality methodology wherein the said identifier is identifying the MS and the associated MSC. The Examiner respectfully submits that Tiedemann inherently teaches that the TRN is a number, which in comparison to the North American Numbering Plan (NANP), automatically identifies the MSC (network element) of which the MS is associated with. The identifier is also used in part for data transfer and for signaling. See Tiedemann et al. column 6 lines 29-50. In addition, the Applicant claims that, according to ***claim 28***, the temporary identity includes 3 to 5 bits of the identifier of the network element. The Examiner respectfully maintains that Tiedemann et al. inherently teaches that the identifier includes 3 to 5 bits based on the premise that, according to the said NANP (NXX-NXX-XXXX), the said MSC's (network element) identity is 3 to 5 bits.

C.) Regarding dependent ***claims 3, 7, 21, 27 and 29-31*** the Examiner respectfully maintains that based on the response to the arguments of the independent

claims, of which the said claims depend upon, the arguments are moot and therefore the claims stand rejected.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Randy Peaches

October 26, 2007

Conferees:

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